

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREAT SOUTHLAND LIMITED,	:	
	:	
Plaintiff,	:	Case No. 2:17-CV-00719
	:	
v.	:	
	:	JUDGE MORRISON
LANDASH CORPORATION, et al.,	:	
	:	MAGISTRATE JUDGE JOLSON
Defendant.	:	

**DEFENDANTS XPO LOGISTICS, INC. AND XPO GLOBAL
FORWARDING, INC.’S OPPOSITION TO
PLAINTIFF’S MOTION FOR EXTENSION OF TIME**

Defendants XPO Logistics, Inc. and XPO Global Forwarding, Inc. (collectively, “XPO”) oppose the Motion for Extension of Time (ECF No. 235) filed by Great Southland Limited (“GSL”).

First, the Court’s pretrial order is clear that motions in limine and all pre-trial motions should be short (no more than 10 pages), responses filed within 7 days, with no opportunity for reply briefs. (ECF No. 210.) This briefing framework has been set since August 2021 (ECF No. 235) and the precise due dates have been set since October 2021. (ECF No. 218.) To the extent GSL was unsure of the expectations of the Court, it could have and should have raised this issue at the parties status conference last week, on December 1, or much earlier. XPO complied with these briefing requirements, and GSL should not be permitted to change the rules now.

Second, GSL argues that XPO is late in filing its Motion to Exclude because it is a “dispositive motion.” However, GSL cites no law for this proposition. Instead, GSL argues that because XPO chose to file early its motions to exclude in *Abington*, XPO is somehow bound by that strategy choice it made in *Abington*. This argument is nonsensical.

Third, while GSL points to the motions in limine filed in the *Abington* case, GSL ignores the fact that in *Abington*, the Plaintiff filed eight motions in limine, including two motions to exclude two of XPO's experts. Likewise, XPO filed eight motions in that case. And the parties in *Abington* all responded in accordance with the Court's deadline and page limit, despite the fact that it was a lot of work in a short time for both sides. There is nothing about this case that warrants a different outcome.

Finally, GSL argues that its counsel has a scheduling conflict that overlaps part of its response window. XPO's counsel is not unsympathetic to scheduling conflicts and is not in the practice of refusing reasonably requested extensions in the ordinary course. However, GSL has been aware of this deadline for months and has never raised it with counsel or the Court. GSL has not demonstrated the good cause required to support its requested extension. In this circumstance, permitting GSL additional time to respond to XPO's motion is unwarranted and gives a significant advantage to GSL. To the extent the Court permits GSL an extension of time to respond, XPO should be permitted one week to file a no more than seven page reply brief.

For the reasons stated herein, XPO asks the Court to deny GSL's requested extension of time, or, alternatively, permit XPO a week to file a short reply.

Respectfully submitted,

/s/ Martha Brewer Motley

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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2021, a true and correct copy of the foregoing was filed and served electronically via the Court's CM/ECF System upon those who are registered to receive electronic notice. I have also served the following parties via U.S. Mail at the addresses below:

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/s/ Martha Brewer Motley

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